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**FISCAL IMPACT STATEMENT**

**LS 6669**

**BILL NUMBER:** HB 1342

**NOTE PREPARED:** Jan 27, 2015

**BILL AMENDED:**

**SUBJECT:** Domestic Violence.

**FIRST AUTHOR:** Rep. Macer

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

*Criminal Justice Institute:* It requires the Criminal Justice Institute (ICJI) to compile information concerning crimes that involve domestic violence and submit the information to the National Incident-Based Reporting System maintained by the Federal Bureau of Investigation.

The bill also requires, instead of allows, the Victim Services Division of the ICJI to make grants from the Domestic Violence Prevention and Treatment Fund.

*County Shelters:* The bill requires each county to establish and operate a domestic violence shelter in the county to assist victims of domestic violence in the county.

*Courts:* It provides that, upon a finding of a violation of an order for protection concerning a victim of domestic or family violence, a court shall require the person who violated the order to wear a GPS tracking device.

It also allows a sentencing court to consider as a mitigating factor the fact that a person who was convicted of: (1) a crime involving the use of force against another person; or (2) murdering another person; had been the victim of an act of domestic violence committed by the other person.

The bill makes it a Class B misdemeanor for a person to knowingly or intentionally dismiss an employee, deprive an employee of employment benefits, or threaten such a dismissal or deprivation: (1) because the employee attended a court proceeding or participated in a law enforcement investigation related

to a criminal case in which the employee is a crime victim or attended a court proceeding related to a civil case in which the employee is a victim of domestic or family violence; (2) because an order for protection has been issued on the employee's behalf; or (3) because the employee is a victim of family violence.

*Custody:* It requires a facility having custody of a person arrested for a crime of domestic violence to keep the person in custody for at least 24 hours instead of at least 8 hours from the time of the person's arrest.

**Effective Date:** July 1, 2015.

**Summary of NET State Impact:** The bill will indeterminately increase expenses for the Indiana Criminal Justice Institute to assist counties in establishing and operating domestic violence shelters and to collect and transmit data concerning domestic violence crimes.

Adding to the mitigating circumstances to be considered in sentencing for a murder where the death penalty is sought is estimated to have cost savings for the Public Defense Fund of \$166,473 for each case in which the next most serious sentence is life without parole. For other crime sentences involving the use of force against another person, the term of incarceration may be reduced, reducing the cost of incarceration of those individuals.

The bill redefines the offense that is currently interference with witness service, a Class B misdemeanor. If additional offenders pay a criminal fine, funds deposited into the Common School Fund will increase.

**Explanation of State Expenditures:** *Summary:* The bill will increase costs for the ICJI to collect and transmit domestic violence data and assistance to local domestic violence shelters. Other cost savings may result from reduced appeals or reduced lengths of incarceration of certain individuals.

**Additional Information** - *Criminal Justice Institute:* Collecting data concerning domestic violence and transmitting the data to the National Incident-Based Reporting System will require researcher and system time to coordinate with local officials to receive the information and the Indiana State Police to transmit the data. Also, assisting counties to establish and operate domestic shelters will require indeterminate additional resources, depending on the form the assistance takes. The bill's requirements are expected to be within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

In 2014, the ICJI provided \$2.4 M in grants to domestic violence shelters through the Domestic Violence Prevention and Treatment Fund. The money in the fund comes from appropriations from the General Assembly, transfers from the Family Violence and Victim Assistance Fund, and donations, gifts, and money received from any other source.

*Mitigating Circumstance:* If the sentence that is sought is the death penalty, the state cost of sentence appeals is estimated at \$187,871 on average, whereas the average cost of appeals of a life sentence without parole is estimated at \$21,398. If the next most serious sentence, life without parole, is sought instead of the death penalty as the result of the additional mitigating circumstance, it is estimated that the Public Defense Fund will have a savings of \$166,473 per case for the reduction in litigation. Any fiscal impact is expected to be minimal.

For other violent crimes, an additional mitigating circumstance may reduce the sentencing range from the advisory sentence level to be closer to the minimum sentence range. This could reduce the length of time that offenders would be committed to Department of Correction (DOC) facilities.

*GPS:* The bill is not expected to have a significant impact on state and local expenditures because the court may permit the victim, a petitioner, another person, an organization, or an agency to pay the costs incurred to use a GPS tracking device. [The bill applies to cases where a protective order is violated. The number of those cases is unknown. However, in 2013 there were 33,755 new cases filed for a protective order, separate from another filing. The cost of GPS monitoring for offenders placed on probation by the DOC is between \$3.80 and \$6.45 per day per offender. The cost of GPS monitoring for most offenders would likely be closer to \$3.80.]

**Explanation of State Revenues:** The bill adds to the elements of a Class B misdemeanor concerning employment to include an employee attending a court proceeding, having a protection order, or being a victim of family violence. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000.

**Summary of NET Local Impact:** Counties will incur costs to establish and operate domestic violence shelters. While the amount to establish a shelter is indeterminate, the cost of operation is estimated to be \$616,200 on average. Additionally, local jails could have increased length of incarceration to keep a person arrested for domestic violence in custody for 24 hours from the time of arrest. The increased length of stay will affect overall cost for the local jail, based on several local factors.

**Explanation of Local Expenditures:** *Summary:* The expense to establish a shelter is unknown and the estimated average operating costs is about \$616,200, which would be paid from the county general fund. The cost to local jails for increasing the hold time for a person arrested for domestic violence is indeterminate based on several factors.

#### **Additional Information -**

*Domestic Violence Shelters:* Many of the existing domestic violence shelters are not operated by the county, which means that most counties will have to establish a domestic violence shelter and pay for operating the shelter through the county general fund. However, the county may accept appropriations of the General Assembly and grants, gifts, and donations to fund operations, which may offset county general fund dollars. The cost for establishing a shelter is indeterminate, but operating costs are estimated at \$616,200 on average based on information from existing shelters.

A 2011 report by ICJI indicated that there were domestic violence shelters in 41 counties, and Indiana Coalition Against Domestic Violence lists 39 shelters in 33 counties. Thus, between 51 and 59 counties do not have a domestic violence shelter. Of the 39 shelters listed, financial information for 25 was available and indicates the median expenditure by shelter is \$616,182, ranging from \$6,605 to \$4.7 M. The expenditure data did not indicate the number of victims served, and the dates of the financial information varied, making the expenses somewhat less reliable.

A 2013 listing of the county of origin of victims who received residential services showed that victims come from every county in the state. The counties with the largest number of victims receiving services were Marion, Allen, St. Joseph, Vanderburgh, Lake, Elkhart, LaPorte, Montgomery, Howard, and Vigo, and the numbers of victims from all counties ranged from 1 to 4,737. There were also 659 victims provided residential services in an Indiana shelter who were from out of state.

*Custody:* Any added costs will depend on the existing local policy of holding persons arrested for domestic violence, the county's jail population and jail capacity, and the current length of time an arrested person takes to be released from jail pending a court date.

**Explanation of Local Revenues:**

**State Agencies Affected:** ICJI.

**Local Agencies Affected:** Counties.

**Information Sources:** Mary Allen, Executive Director, ICJI. <http://www.icadvinc.org/get-help/shelter-list/>, <http://www.guidestar.org/organizations/35-2036113>, SB 136-2015.

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